

Attorney Docket No. 112439.120  
Application No. 10/051,542

Patent

## REMARKS

### Summary of Office Action

In the March 25, 2004 Office Action, the Examiner issued a Restriction Requirement directed to claims 1-144 as follows:

- Group I: Claims 1-65 and 90-144, drawn to real time resource consumption tracking, classified in class 702, subclass 62.
- Group II: Claims 66-89, drawn to a graphical user interface, classified in class 345, subclass 1+.

In addition, contingent on applicants' election of Group I, the Examiner set forth the requirement to elect a single disclosed species from the following:

- Species I: Claims 1-65, 90-100 and 133-144, as best illustrated by Figures 1-2.<sup>1</sup>
- Species II: Claims 101-132, as best illustrated by Figure 3.<sup>2</sup>

### Applicant's Reply

Applicants traverse the Restriction Requirement and respectfully request reconsideration and withdrawal of the requirement. However, in order to provide a complete response pursuant to 37 C.F.R. §1.143, applicants provisionally elect claims 1-65 and 90-144 of Group I, drawn to real time resource consumption tracking.

Generally speaking, the claims of Group I relate to a system, method and medium that integrates a building's resource consumption data and infrastructure data so as to monitor, manage and control the building's infrastructure and resource consumption. Meanwhile, the claims of Group II relate to a graphical user interface that includes various regions connected to a database, where the regions are representative of different elements (e.g., meter services) involved in the monitoring and management of a building's resource infrastructure and resource consumption. Therefore, applicants respectfully submit that the claims of Groups I and II should be examined together, as they share a relationship involving the monitoring and management of

<sup>1</sup> Applicants point out that FIG. 3 is also illustrative of at least some of the claims of Species I.

<sup>2</sup> Applicants respectfully submit that Species II is better illustrated by FIG. 4.

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a building's infrastructure and resource consumption, and would not present an unreasonable task for, or place an undue burden on, the Examiner for searching purposes.

In addition, to provide a complete response to the species election requirement with respect to Group I, applicants hereby provisionally elect, with traverse, Species I (claims 1-65, 90-100 and 133-144). However, applicants respectfully contend that, given the commonality of the subject matter, an undue burden would not be placed on the Examiner to include the data collection and processing devices defined in Species II in the search.

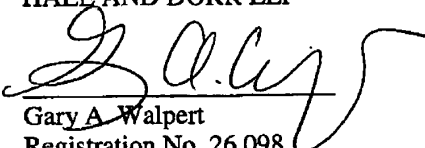
Applicants note that, due to a clerical error, two sets of claims 90-91 were filed with the present application. In accordance with the provisional election of Group I, applicants have cancelled the first instance of claims 90-91 (*see* Listing of Claims at page 11 of this paper) which, as filed, were dependent on claim 66 of non-elected Group II. The Director is hereby authorized to deduct the excess claim fee of \$18.00 for a small entity from Deposit Account No. 08-0219 if such a fee is required.

In addition, applicants have amended claim 39 in order to correct a typographical error. In particular, claim 39 has been amended to change "buildngs" to "buildings." No new matter is added by this amendment.

The Director is hereby authorized to charge any fees due, or credit any overpayment, in connection with this case to Deposit Account No. 08-0219. A duplicate copy of this paper is enclosed herewith.

Respectfully submitted,

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